NOTICE: This opinion is subject to formal revision before publication in the bound volumes of NLRB decisions. Readers are requested to notify the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570, of any typographical or other formal errors so that corrections can be included in the bound volumes.

Open Door Retail Group, Inc. and Vanda Jordan. Case 16–CA–028083

September 10, 2012
SUPPLEMENTAL DECISION AND ORDER
BY CHAIRMAN PEARCE AND MEMBERS GRIFFIN
AND BLOCK

The Acting General Counsel seeks a default judgment in this case on the ground that the Respondent has failed to file an answer to the compliance specification.

On February 23, 2012, the National Labor Relations Board issued a Decision and Order,¹ that, among other things, ordered the Respondent to make whole discriminatee Vanda Jordan for any loss of earnings and other benefits resulting from her unlawful termination in violation of Section 8(a)(1) of the Act.

A controversy having arisen over the amount of backpay due the discriminatee, on May 31, 2012, the Regional Director issued a compliance specification and notice of hearing alleging the amount due under the Board's Order and notifying the Respondent that it must file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the compliance specification, the Respondent failed to file an answer.

By letter dated June 22, 2012, the Region advised the Respondent that no answer to the compliance specification had been received and that unless an appropriate answer was filed by June 29, 2012, default judgment would be sought. To date, the Respondent has not filed an answer.

On July 10, 2012, the Acting General Counsel filed with the Board a motion for default judgment, with exhibits attached. On July 13, 2012, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. On August 16, 2012, the Board issued a Revised Notice to Show Cause, noting that the original notice was not served on the Respondent at all of its known addresses. The Respondent again filed no response. The allegations in the motion and in the compliance specification are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on the Motion for Default Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that a respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) provides that if the respondent fails to file an answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the motion for default judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and we grant the Acting General Counsel's Motion for Default Judgment. Accordingly, we conclude that the net backpay due Vanda Jordan is as stated in the compliance specification, and we will order the Respondent to pay those amounts to Vanda Jordan, plus interest to the date of payment.

ORDER

The National Labor Relations Board orders that the Respondent, Open Door Retail Group, Inc., Kemah, Texas, its officers, agents, successors, and assigns, shall make whole Vanda Jordan, by paying her in the amount of \$14,431, plus additional net backpay which accrues to the date the Respondent makes her a valid offer of reinstatement, plus interest accrued to the date of payment, as prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), compounded daily as prescribed in *Kentucky River Medical Center*, 356 NLRB No. 8 (2010), and minus tax withholdings required by Federal and State laws.

Total Backpay Due \$14,431 Dated, Washington, D.C. September 10, 2012

Mark Gaston Pearce,	Chairman
Richard F. Griffin, Jr.,	Member
Sharon Block	Member

¹ 358 NLRB No. 9.

(SEAL) NATIONAL LABOR RELATIONS BOARD